

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE BETHEL, *on behalf of herself and
all others similarly situated*,

Plaintiff,

-v.-

BLUEMERCURY, INC.,

Defendant.

21 Civ. 2743 (KPF)

FINAL ORDER AND JUDGMENT

KATHERINE POLK FAILLA, District Judge:

The Court, having considered Plaintiffs' Motion for Final Approval of Class and Collective Action Settlement, and Approval of Attorneys' Fees and Costs and Named Plaintiff's Enhancement Award (Dkt. #86), and all other material properly before the Court, and having conducted an inquiry pursuant to Section 216(b) of the Fair Labor Standards Act of 1938 and Rule 23 of the Federal Rules of Civil Procedure, hereby finds and orders as follows:

1. The Court has jurisdiction over the subject matter of this action, the Plaintiff, the Class Members, and Defendant, Bluemercury, Inc.
2. The Court finds that the Settlement was the product of protracted, arms-length negotiations between experienced counsel. The Court grants final approval of the Settlement, including the releases and other terms, as fair, reasonable, and adequate.
3. The Court notes that there are no objections to the Settlement.
4. The Court finds that the procedures for notifying the Class Members about the Settlement, including the Class Notice and related

documents, constituted the best notice practicable under the circumstances to all Class Members, and fully satisfied all necessary requirements of due process. Based on the evidence and other materials submitted to the Court, the Class Notices to the Class Members provided adequate, due, sufficient, and valid notice of the Settlement.

5. The Court finds, for settlement purposes only, that the Class satisfies the applicable standards for certification under Fed. R. Civ. P. 23 and 29 U.S.C. § 216(b).

6. This action is dismissed with prejudice, permanently barring the Plaintiff and the Class Members from filing, commencing, prosecuting, or pursuing the claims released by the Settlement Agreement whether or not on a class or collective action basis, or participating in any class or collective action involving such claims.

7. Class Counsel's request for attorneys' fees and litigation costs and expenses in this action is approved as follows: Class Counsel are hereby awarded \$145,833.32 for attorneys' fees and \$5,992.00 for reimbursement of litigation costs and expenses, which the Court finds were reasonably incurred in prosecution of this case.

8. The enhancement award for the Named Plaintiff Leslie Bethel to compensate her for her unique services in initiating and maintaining this litigation as set forth in Section 3.3 of the Settlement Agreement is approved.

9. The payment to the Settlement Administrator CPT Group in the amount of \$10,000.00 is approved.

10. The Court shall have exclusive and continuing jurisdiction over this action for the purposes of supervising the implementation, enforcement, construction, administration, and interpretation of the Settlement Agreement and this Final Approval Order.

11. The Parties are ordered to carry out the Settlement as provided in the Stipulation.

12. This document shall constitute a judgment for purposes of Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: March 28, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge